

State Paid Family and Medical Leave Laws

	Rhode Island	California	New Jersey	New York
Program Name	Temporary Caregiver Insurance (TCI)	Paid Family Leave (PFL)	Family Leave Insurance (FLI)	Paid Family Leave (PFL)
Administration	State-administered	Either: • State-administered • Voluntary/Private Plan	Either: • State-administered • Voluntary/Private Plan	Private Plan
Voluntary Plan Opt-Out	None	Yes	Yes	No autoenrollment; employers must establish plan with a carrier or the state insurance fund
State Also Mandates Disability	Yes; temporary disability insurance (TDI)	Yes; state disability insurance (SDI)	Yes; temporary disability benefit (TDB)	Yes; disability benefit law (DBL)
Interaction with Other Laws	TCI can run concurrently with federal FMLA, RI Parental and Family Medical Leave Act	CA PFL can run concurrently with federal FMLA, CFRA, New Parent Leave Act	FLI can run concurrently with federal FMLA, NJFLA	NY PFL and FMLA can run concurrently, subject to notice and designation requirements
Funding	Employee contributions	Employee contributions	Employee contributions	Employee contributions
Premium Cost	1.1% (TCI/TDI: includes both TCI and disability insurance)	1% (SDI: includes both PFL and disability insurance)	0.09%	0.126%
Employer Eligibility	All private sector employers	All private sector employers	Private employers subject to the NJ Unemployment Compensation Law	Private sector employers with one or more employees
Employee Eligibility	Employee must have earned wages in Rhode Island and paid into the TDI/TCI fund. For claims filed effective 1/7/18 or later, employee must have been paid at least \$12,120 in the base period for the claim.	Employee must have earned at least \$300 from which SDI deductions were withheld during a previous period.	An employee must have either: • worked 20 calendar weeks in the base year, each being a week when EE had NJ earnings of \$169 or more OR a week (up to 13 weeks) when EE was separated from employment due to a declared state of emergency during the base year; or • earned \$8,500 or more during the base year.	Full-time employees, who work a regular schedule of 20 or more hours per week are eligible for PFL after 26 consecutive weeks of employment. Part-time employees, who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.
Covered Conditions	1. Bond with a newly born, adopted, or fostered child. 2. Care for a family member with a serious health condition.	1. Bond with a newly born, adopted, or fostered child. 2. Care for a family member with a serious health condition.	1. Bond with a newly born, adopted, or fostered child. 2. Care for a family member with a serious health condition.	1. Bond with a newly born, adopted, or fostered child. 2. Care for a family member with a serious health condition. 3. Assist loved ones when a family member is deployed abroad on active military service.
Benefit Duration	Up to 4 weeks	Up to 6 weeks	Up to 6 weeks	2019: up to 10 weeks 2020: up to 10 weeks 2021+: up to 12 weeks
Benefit Amount	Employee's weekly benefit rate is equal to 4.62% of the wages paid to the employee in the highest quarter of their base period. The maximum benefit rate is \$817 per week and the minimum benefit rate is \$89 per week.	Approximately 60% to 70% (depending on income)	2/3 of an employee's average weekly wage, up to \$637	2019: 55% of employee's average weekly wage (AWW), up to 55% of state average weekly wage (SAWW) 2020: 60% of employee's AWW, up to 60% of SAWW 2021+: 67% of employee's AWW, up to 67% of SAWW
Job Protection	Yes	No; job protection via FMLA, CFRA, or other concurrent laws	No; job protection via FMLA, CFRA, other concurrent laws	Yes
Resources	http://www.dlt.ri.gov/tdi/tdifaqs.htm	http://www.edd.ca.gov/Disability/Paid_Family_Leave.htm	http://www.nj.gov/labor/fli/fliindex.html	https://www.ny.gov/programs/new-york-state-paid-family-leave

Source: Lincoln Financial Group. Updated November 2018.

**For state and local paid sick leave laws, visit the *Paid Sick Leave @ Work* blog at www.pslatwork.com.
Be sure to check out Michigan's new Paid Medical Leave Act, which includes 40 hours annually of paid leave.**

	Washington State (PFML)	Washington, D.C. (PFML)	Massachusetts (PFML)
Effective Dates	Assess and collect premiums: January 1, 2019 Apply for and receive benefits: begins January 1, 2020	Assess and collect premiums: begins July 1, 2019 Apply for and receive benefits: begins July 1, 2020	Assess and collect premiums: begins July 1, 2019 Apply for and receive benefits: begins January 1, 2021
Administration	Either: • State-administered • Voluntary/private plan	City-administered	Either: • State-administered • Voluntary/private plan
Voluntary Plan Opt-Out	Yes; An employer may opt-out of either the state program for family leave or medical leave, or both, by having a state-approved voluntary plan.	No	Yes; An employer may opt-out of either the state program for family leave or medical leave, or both, by having a state-approved voluntary plan.
Interaction with Other Laws	Can run concurrently with federal FMLA; is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth	Can run concurrently with federal FMLA, DC FMLA	Can run concurrently with the Massachusetts Parental Leave Act and/or federal FMLA
Funding	Family leave premiums: may be fully employee-paid Medical leave premiums: shared employee/employer funding; employee share up to 45% of the premium Special rules for small business employers: • Less than 50 EEs: not required to pay the employer portion of premiums for family and medical leave; may apply for a grant if employer elects to pay the premiums and under certain circumstances • Less than 150 EEs: may apply for a grant under certain circumstances	Employer-funded	May be shared between employer and employee: • Medical leave: may be up to 40% employee-paid • Family leave: may be 100% employee-paid
Premium Cost	Total premium rate = (1/3 family leave) + (2/3 medical leave) • From January 1, 2019 to December 31, 2020: total premium rate = 0.4% of individual EE's wages. • From 2021 onwards: the total premium rate is based on the family and medical leave insurance account balance ratio as of Sept. 30 of the previous year.	0.62% of employee's wages	0.63% of employee's wages
Employer Eligibility	All private sector employers; small business employers are still required to provide benefits but special rules apply for funding under certain circumstances.	All private sector employers; does not apply to the U.S. federal government, D.C. government, or other employers not authorized to be taxed in D.C.	All private-sector employers
Employee Eligibility	EEs are eligible for family and medical leave benefits after working at least 820 hours in employment during the qualifying period.	EEs who spend more than 50% of their work time in D.C., regardless of residence.	All EEs, including self-employed (who elects coverage) and former EEs separated from employment for not more than 26 weeks at the start of their family or medical leave.
Covered Conditions	Family leave: 1. Bond with a newly born, adopted, or fostered child. 2. Care for a family member with a serious health condition. 3. Assist loved ones when family member is deployed abroad on active military service. Medical leave: employee's own serious health condition	1. Parental leave: bond with a newly born, adopted or fostered child 2. Family leave: care for a family member with a serious health condition 3. Medical leave: employee's own serious health condition	Medical leave: employee's own serious health condition, pregnancy Family leave: bonding (birth, adoption, foster), family member's serious health condition, qualifying military exigency, care for servicemember
Benefit Duration	Family leave: up to 12 weeks Medical leave: up to 12 weeks; may be extended an additional 2 weeks if the EE experiences a serious health condition with a pregnancy that results in incapacity. Combined family and medical leave: up to 16 weeks; may be extended to 18 weeks total if the EE experiences a serious health condition with a pregnancy that results in incapacity.	Medical leave: up to 2 weeks Family leave (care): up to 6 weeks Parental leave (birth, adoption, or placement): up to 8 weeks	Family leave: up to 12 weeks (maximum of 26 weeks for care of a covered servicemember) Medical leave: up to 20 weeks Combined family and medical leave: up to 26 weeks

*EE = Employee; ER = Employer
*Chart continues on next page

State Paid Family and Medical Leave Laws

	Washington State (PFML)	Washington, D.C. (PFML)	Massachusetts (PFML)
Benefit Amount	<p>Weekly benefit for family and medical leave:</p> <ul style="list-style-type: none"> • If the EE's average weekly wage is 50% or less of the state average weekly wage: 90% of the EE's average weekly wage • If the EE's average weekly wage is greater than 50% of the state average weekly wage: the sum of: (i) 90% of the EE's average weekly wage up to 50% of the state average weekly wage; and (ii) 50% of the EE's average weekly wage that is greater than 50% of the state average weekly wage. <p>Maximum weekly benefit:</p> <ul style="list-style-type: none"> • On or after January 1, 2020: \$1,000 • Every Jan. 1 beginning in 2021: The commissioner shall adjust the maximum weekly benefit amount to 90% of the state average weekly wage by Sept. 30, 2020; the adjusted maximum weekly benefit amount takes effect the following Jan. 1. <p>Minimum weekly benefit:</p> <ul style="list-style-type: none"> • \$100 per week or the EE's average weekly wage at the time of family and medical leave, whichever is less. 	<p>Eligible EEs will receive leave benefits that vary depending on income. Individuals with an average weekly wage equal to or less than 150% of the District's minimum wage multiplied by 40 will receive a 90% benefit. Those earning more than 150% of the minimum wage multiplied by 40 will receive the underlying 90% benefit plus an additional 50% of the amount the eligible individual's average weekly wage exceeds 150% of the District's minimum wage multiplied by 40. Benefits capped at \$1,000 per week until Oct. 1, 2021. After that, and on Oct. 1 of each successive year, the maximum weekly benefit amount may be increased depending on any increase to the Consumer Price Index and with support from the D.C. Chief Financial Officer.</p>	<p>Leave benefits for covered individuals will vary depending on income. The portion of an individual's average weekly wage that is less than or equal to 50% of the state average weekly wage will be replaced at a rate of 80%, plus an additional 50% of the portion of an individual's average weekly wage that is more than 50% of the state average weekly wage.</p> <p>Benefits will be capped at \$850 per week until Dec. 31, 2021. Every year thereafter, the commissioner shall adjust the maximum weekly benefit amount to 64% of the state average weekly wage, which shall take effect on the following Jan. 1.</p>
Job Protection	Yes	No; job protection through FMLA, DC FMLA or other concurrent laws	Yes
Resources	http://paidleave.wa.gov	http://DCpaidfamilyleave.dc.gov	https://www.mass.gov/orgs/departments-of-family-and-medical-leave

Source: Lincoln Financial Group. Updated November 2018.